

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>LUQMAN ABDULLAH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 3:12-cv-01285</b>
<b>v.</b>	)	
	)	<b>Judge Sharp</b>
<b>SGT. J. DUNCAN, <i>et al.</i>,</b>	)	<b>Magistrate Judge Griffin</b>
	)	
<b>Defendants.</b>	)	

**ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, concluding,

Michael Wilson filed a motion to dismiss (Docket Entry No. 16), which is currently pending before the Court. He argues, among other things, that the process issued was insufficient as to him because he was not actually named in the complaint and that the attempted service of process upon him was insufficient because the plaintiff, as a party, is not permitted to personally serve process upon the opposing party.

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Defendant Duncan and Walters have filed a motion to quash the returned executed summonses. See Docket Entry No. 31. They argue that the plaintiff’s attempt to serve them with process was improper under Rule 4 of the Federal Rules of Civil Procedure and insufficient to deem them properly served in this action because a complaint was not included with the summonses, the plaintiff personally attempted service, and the person with whom the plaintiff left the summons was not authorized to accept service of process on behalf of Defendants Duncan and Walters.

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Given that the Court has already provided temporal leeway and specific and directed advice to the pro se plaintiff regarding service of process,<sup>1</sup> the Court

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<sup>1</sup> By Order entered April 23, 2013, the Magistrate Judge granted Plaintiff’s motion for an extension of time to obtain service. However, the Court warned Plaintiff “[i]f the defendants are not properly served by [June 10, 2013], the Court will recommend that they be dismissed pursuant to Rule 4(m) of the Federal

finds that this action should be dismissed under Rule 4(m) because of the plaintiff's failure to properly serve the defendants in the action with process in a timely and effective manner.

(Docket Entry No. 35). Plaintiff has filed an objection to the R & R,<sup>2</sup> which the Court has considered. *See* (Docket Entry No. 38). Having thoroughly reviewed the record this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 35) is hereby ACCEPTED and APPROVED;

(2) *Michael Wilson's Motion to Dismiss Complaint* (Docket Entry No. 16) is hereby GRANTED in part to the extent of Plaintiff's failure to properly serve Wilson;

(3) The *Motion to Quash Returned Executed Summonses Docket Numbers 29 and 30* (Docket Entry No. 31) is hereby GRANTED to the extent Plaintiff's attempted service on Defendants Duncan and Walters be QUASHED;

(4) All other pending motions (Docket Entry Nos. 39 and 40) are hereby TERMINATED as moot; and

(5) This case is hereby DISMISSED WITHOUT PREJUDICE in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

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Rules of Civil Procedure unless the Plaintiff shows good cause for his failure to serve them by the deadline." *See* (Docket Entry No. 20).

<sup>2</sup> Although the filing is captioned "Motion in Response to Report and Recommendation," the Court interprets it to be Plaintiff's objection to the R & R. *See* (Docket Entry No. 38).

**It is SO ORDERED.**

*Kevin H. Sharp*

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE